



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2017 Biennium

Bill #	HB0340	Title:	Require federal government to comply with air quality laws in Montana
Primary Sponsor:	Burnett, Tom	Status:	As Introduced

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact: HB 340 has no fiscal impact on the Department of Environmental Quality (DEQ).

FISCAL ANALYSIS

Assumptions:

1. The location of wildfires in Montana is currently tracked and published by the Northern Rockies Coordination Center and the United States Forest Service making the identification of land ownership associated with wildfires readily available.
2. DEQ currently identifies similar information related to wildfires in implementing the federal Environmental Protection Agency's Exceptional Events Rule. Therefore, the process of identifying land ownership associated with wildfires contributing to exceedances of the 24-hour ambient air quality standards for particulate matter will be conducted through the implementation of the federal Exceptional Events Rule.
3. This bill does not mandate that an enforcement action be pursued by the DEQ. Rather, this bill makes it clear that the U.S. Department of Agriculture is subject to the enforcement provisions contained in Title 75, Chapter 2, Part 4, MCA, for exceedances of the 24-hour ambient air quality standards for particulate matter from wildfires on federal land.
4. The DEQ would use existing processes to determine if an enforcement action is warranted for exceedances of the 24-hour ambient air quality standards for particulate matter. Therefore, there is no fiscal impact to the DEQ.

Technical Concerns

1. The title of HB 340 indicates that the bill requires DEQ to fine the Federal Government. DEQ has no authority to issue fines, which are monetary sanctions imposed by courts. DEQ has the authority to impose administrative penalties for violations. In addition, the bill does not require DEQ to take enforcement action. It merely provides that certain exceedances are violations that are subject to air quality enforcement processes.

Sponsor's Initials

Date

Budget Director's Initials

Date